

No. 9/5/84-6Lab/5337.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Chikkara Potteries Nahra Nahri Road, Bahadurgarh (Rohtak):—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 139 of 83

between

SHRI MOTI LAL AND WORKMAN AND THE MANAGEMENT OF M/S CHIKKARA POTTERIES NAHRA NAHRI ROAD, BAHADURGARH (ROHTAK)

Present :—

None, for the workmen.
None, for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shri Moti Lal and the management of M/s. Chhikara Potteries, Nahra Nahri Road, Bahadurgarh, to this Court, for adjudication,—vide Labour Department Gazette Notification No. ID/45711-16, dated 6th September, 1983 :—

Whether the termination of services of Shri Moti Lal was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared. The claim of the workman is that he was employed with the respondent for the last about 1½ years as a Helper on monthly wages of Rs. 240/- and that on 13th October, 1982 when he went to the factory premises to do his days' work, he was not allowed to do so and the reason for his summary dismissal was that he was asking for enhanced *ad hoc* allowance and in this way the management has violated the provisions of the Industrial Disputes Act, 1947, in terminating his services. So, he has prayed for reinstatement with continuity of service and full back wages.

3. The respondent appeared and filed a reply controverting the claim of the petitioner in toto. Since this reference is being answered on grounds other than merits, I, need not discuss the pleas propounded by the respondent.

4. On the pleadings of the parties, the following issues were framed for decision by me on 19th October, 1984 :—

1. Whether there is relationship of master and servant between the parties ?
2. Whether the reference is bad in law ?
3. Whether the workman remained gainfully employed after termination ?
4. Whether the termination of services of Shri Moti Lal was justified and in order ? If not, to what relief is he entitled ?

5. After the workman had closed his evidence and the case was fixed for evidence of the respondent, none of the parties appeared. The only inference possible is that the workman has patched up his claim with the respondent, otherwise, I, see no reason for the workman or his learned Authorised Representative absents from proceedings. So, this reference is dismissed for non prosecution and answered accordingly. There is no order as to cost.

Dated the 30th May, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,

Endst. No. 139/83/882, dated 13th June, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,